

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PETER M. ARENA,

Plaintiff,

v.

NAVARRO, *et al.*,

Defendants.

Case No. 1:20-cv-00617-BAM (PC)

ORDER GRANTING PLAINTIFF'S MOTION
TO RETURN OVERPAYMENT OF FILING
FEES

(ECF No. 41)

Plaintiff Peter M. Arena ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendants Medina, Allison, Ramos, Pacheco, and Navarro for excessive force in violation of the Eighth Amendment. All parties have consented to the jurisdiction of a United States Magistrate Judge for all further proceedings in this action, including trial and entry of judgment. (ECF No. 35.)

On September 13, 2021, Plaintiff filed a motion to return overpayment of filing fees. (ECF No. 41.) Defendants have not had an opportunity to file a response, but the Court finds a response unnecessary. The motion is deemed submitted. Local Rule 230(l).

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1 In his motion, Plaintiff states that his aunt, Angela Cotten, paid the remaining filing fee in
2 this action by check.¹ (ECF No. 41.) However, CDCR continues to deduct money from his trust
3 account towards this filing fee, even though it has been paid in full. Plaintiff requests that the
4 Court issue an order notifying the prison trust office to stop deducting money from his account
5 towards the filing fee, and to return any overpaid funds. (*Id.*)

6 The Court has reviewed the motion and investigated Plaintiff's filing fee balance for this
7 action and confirmed that Plaintiff's filing fee has been paid in full. There is an overpayment
8 which will be refunded next month, and the Court has informed CDCR that Plaintiff has paid his
9 filing fee for this action in full.

10 Accordingly, Plaintiff's motion for return of overpayment of filing fee, (ECF No. 41), is
11 HEREBY GRANTED.

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13 IT IS SO ORDERED.

14 Dated: September 15, 2021

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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27 ¹ The motion also states that Ms. Cotten paid the remaining filing fee in *Arena v. Cervantes*, Case
28 No. 1:21-cv-00928-NONE-BAM. The Court will address the motion by separate order in the
other action.